REMARKS

This is in response to the Office Action mailed on <u>August 25, 2004</u>, and the references cited therewith.

Claims 1-37 are pending in this application.

Applicant respectfully disagrees with the characterization of Applicant's previous arguments filed June 4, 2004. The phrase "radio frequency information" must be interpreted as being information related to a radio frequency other than the frequency itself. It would not make sense to use the input frequency to find the frequency, since we already know what the frequency is.

Further, there is no occurrence of language the Examiner interprets "as a function of the first or second signal" to read on the portion of radio frequency information is accessed using either the first or second signal or combination thereof. Each of the claims requires the use of at least the an input radio frequency to obtain further information related to the input radio frequency. Thus, the response to arguments addresses something that is not claimed.

The response to arguments also invokes inherency without showing how it necessarily flows from the teachings of Briffe et al. Applicant has reviewed the cited sections of Briffe et al., and fails to see the inputting of radio frequency indicated as indicated. There is no description of the use of an input frequency to access a database of information related to that frequency. In Col. 10, line 66, et seq., the databases appear to be accessed based on geographic information, with the "superposition of data from the aeronautical information database (such as navaid location) on geographic map data, such as water land/boundaries."

The response to arguments further states that "the flight plan is computed using the aeronautical information database, which includes the presently claimed "input radio frequency" in order to access the database. Applicant fails to find anywhere in Briffe et al., Col.s 31 and 32, where an input radio frequency is used to find further information related to the input radio frequency. It appears that geographic points are inputted, and the route is planned based on that input.

Double Patenting Rejection

Claims 1-9 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of co-pending U.S. Application No. 09/902,963.

In light of the provisional nature of the rejection, Applicant hereby offers to submit a terminal disclaimer in compliance with 37 CFR 1.321(b)(iv) upon receipt of an indication of allowability of the pending claims in the instant application and issuance of the co-pending application.

§102 Rejection of the Claims

Claims 36 and 37 were rejected under 35 USC § 102(b) as being anticipated by Ward et al. (U.S. Patent No. 6,282,417). This rejection is respectfully traversed. The phrase "radio frequency information" was intended to be interpreted as it is described in the application at least on page 10 as information such as "the station type 87, 91, 104, facility names 89, 92, 97, station identifier 95, runway number 101 and final approach course 108 information, or other useful information corresponding to a particular input radio frequency." Claim 36 specifically recites "accessing a database having information corresponding to multiple frequencies, wherein a subset of such information associated with the manually tuned frequency at the received position is retrieved as a function of the manually tuned frequency and the position information". Ward et al. does not describe retrieving information using a manually tuned frequency. Ward et al., appears to retrieve a frequency based on position information. It would not make sense for Ward et al., to retrieve the frequency based on the frequency, since it already knows the frequency. Thus, the claim uses the frequency to retrieve information related to the frequency, not the frequency itself. As such, Ward et al. does not disclose each and every element, and the rejection should be withdrawn.

Claims 1-35 were rejected under 35 USC § 102(e) as being anticipated by Briffe et al. (U.S. Patent No. 6,038,498). This rejection is respectfully traversed. Applicant reserves the right to swear behind Briffe et al. at a later date.

Briffe et al. is cited as disclosing radio frequency information stored as a function of radio frequency at Col. 5, lines 34-41 and Col. 10, lines 57-62. Col. 5, lines 34-41 references sensors, and memory modules for storing databases. There is no direct teaching that such databases contain radio frequency information stored as a function of radio frequency as claimed. Col. 10, lines 57-62 describes databases including "locations and frequencies of each navaid." Again, this does not expressly state that radio frequency information is stored as a function of radio frequency. It appears from discussion at Col. 10, lines 66 et seq., that the frequencies are stored and accessed as a function of location. Thus, the claim language that radio frequency information is stored as a function of radio frequency is not met by the reference.

The Office Action cites Col. 6, line 45 to col. 7, line 4, or Col. 9, lines 12-20, Col. 10, lines 44-64 and col. 11, lines 25-27 as disclosing accessing the database as a function of an input radio frequency signal and generating a display signal as a function of an input radio frequency signal. This is respectfully traversed. Col. 6, line 45 to col. 7, line 4, describe at best, that "transceivers (not shown) can be tuned manually, or can be tuned by 'pointing and clicking' with trackball 44 on a frequency in a digital map displayed on the MFD or the PRD." This language does not support the ability to access a database as a function of an input radio frequency signal as claimed.

Col. 9, lines 12-20, merely indicate that a pilot can manually tune an ILS frequency.

Col. 10, lines 44-64, describe a first geographic map database and an aeronautical information database. As indicated above, the aeronautical information database is superpositioned on the geographical map database. There is no teaching of accessing information based on a radio frequency.

Col. 11, lines 25-27 describe "data stored for this point in system memory to appear as an information window displayed at the place of the cursor." Again, there is no reference or suggestion that a database is accessed as a function of an input radio frequency signal as claimed. Since the reference does not teach the elements as arranged in claim 1, a prima facie case of anticipation has not been established, and the rejection should be withdrawn.

Claims 2-4 recite also using a position signal to access the database of radio frequency information. While Briff describes GPS information, it does not use it in the context of

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accessing useful information corresponding to a particular input radio frequency. At best, it is used as a navigation aid, not to identify useful information in conjunction with an input radio frequency signal. Since Briff does not show the elements as arranged in claims 2-4, the rejection should be withdrawn.

Claim 5 also recites the database of radio frequency information, and a processor coupled to the database that generates a display signal as a function of an input radio frequency signal and a position signal. Again, no connection between the input radio frequency signal and position signal with such a database is shown in the Briff, and the rejection should be withdrawn.

Claims 6-9 depend from claim 5, and distinguish for at least the same reasons.

Claims 10-15 distinguish Briff in at least the same manner as claim 2, in that both input radio frequency signals and position signals are used to access the radio frequency information in the database. As such, the rejection should be withdrawn.

Claims 16-21 distinguish Briff in at least the same manner as claim 2, and should be allowed.

Claims 22-35 also recite that both input radio frequency signals and position signals are used to access the radio frequency information in the database. As such, the rejection should be withdrawn.

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.
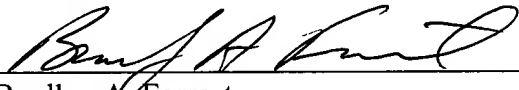
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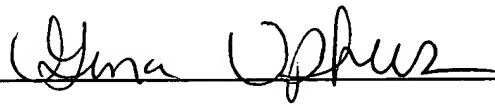
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24 day of November, 2004.

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